

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

mt/gcp

Mailed: October 17, 2016

Opposition No. 91222263

Warner Bros. Entertainment Inc.

v.

Space Jam Juice, LLC

George C. Pologeorgis,
Administrative Trademark Judge:

On July 29, 2016, Applicant filed a proposed amendment to its involved application Serial No. 86424744 with Opposer's written consent, and Opposer's withdrawal of the opposition with prejudice, contingent upon entry of the amendment.

By the proposed amendment, Applicant seeks to **delete** International Class 25 in its entirety from the identification of goods.

When applicant files a request to amend a multiple class application to delete an entire class (or classes) of goods, the request for amendment is, in fact, an abandonment of the application with respect to that class. *See* Trademark Rule 2.135.

Accordingly, inasmuch as Opposer has provided its written consent thereto, application Serial No. 86424744 stands abandoned as to International Class 25.

Applicant also seeks to amend the identification of services in International Class 35 **from:**

"On-line retail store services featuring smokers' articles, electronic smokers' articles, and apparel."

to:

"On-line retail store services featuring smokers' articles, electronic smokers' articles, and apparel that does not display or contain the words SPACE JAM."

Although the amendment to the services identified in International Class 35 appears to be limiting in nature, it cannot be accepted as currently worded. Specifically, it is unclear whether the qualifying language "that does not display or contain the words SPACE JAM" refers only to apparel or whether such language also pertains to the other items specifically mentioned in the proposed amendment, i.e., smokers' articles and electronic smokers' articles.

In view of the foregoing, the requested amendment to the recitation of services in International Class 35 cannot be approved.

Under the circumstances, the parties are allowed until **thirty (30) days** from the mailing date of this order to submit an amendment which overcomes the deficiencies noted above or to otherwise inform the Board how they wish to proceed in this matter.¹

Proceedings herein are otherwise suspended. If no response to this order is received within the time set, proceedings will be resumed, and appropriate dates will be reset.

¹ The identification of goods in International Classes 30 and 34 remain unchanged.